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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,454	12/30/2003	Kenneth Bradley Close	KCX-785 (19014)	2369
22827	7590	10/06/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			TORRES VELAZQUEZ, NORCA LIZ	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,454

Applicant(s)

CLOSE ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 72604 123004 31405.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 24-26, 30-31, 32 and 67-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 24 claims a wet wipe comprising the coform as defined in claim 21. It is noted that claim 21 defines a nonwoven, not a coform. The same applies to claims 25 and 26. Claims 30 and 31 are rejected as being dependent on claim 24.
4. Claim 32 recites the limitation "of the nonwoven web" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 67 claims a stretch-bonded laminate comprising a first coform web as defined in claim 55. It is noted that claim 55 defines a nonwoven material not a coform web. The language of the claim is not proper. Claim 68 is rejected as being dependent on claim 67.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8, 10, 12-14, 16, 21-23, 27, 28-29, 32-41, 43-48, 58-65, 67 and 69-70 are rejected under 35 U.S.C. 102(b) as being anticipated by SKOOG et al. (US 6,177,370 B1).

SKOOG et al. discloses a fabric that includes three zones, a synthetic fibers structure first zone 20, a synthetic fibers structure second zone 40, and short fiber third zone 60. The first and second zones are nonwoven webs. The third zone may be wood pulp or staple fibers, or a mixture of both. (Col. 4, lines 44-55) The first and second synthetic fiber zones or layers 20 and 40 may have a basis weight from about 12 to about 50 gsm. The third fiber zone may have a basis weight from about 28 gsm to about 165 gsm. (Col. 4, lines 68-65) SKOOG et al. further teaches an embodiment shown in figure 3, in which the first and second zones (120 and 140) include a first spunbond web layer 124 and a first meltblown web layer 128, and a second spunbond web layer 144 and a second meltblown web layer 148. The layers 124 and 144 provide strength, durability, and abrasion resistance to the fabric 100 while the layers 128 and 148 help prevent linting. The reference further teaches that the short fiber third zone may be a two, three or more distinct layers. (Col. 5, lines 21-42) The reference further teaches thermoplastic materials to include styrene polymers and copolymers, acrylics, polyethylenes, polypropylene, vinyls and nylons. (Col. 2, lines 50-56) With regards to claim 16, it is the Examiner's interpretation that the reduced slough is inherent to the material taught by the present reference. With regards to the claimed cup crush, it is noted that the such property would be inherent to the structure of the prior art of record. The Examiner equates the fabric of SKOOG to the nonwoven material of the present invention. The meltblown fiber layers that prevent linting in the SKOOG et al. reference are equated to the meltblown fibers of the present invention. With regards to the basis weight of the meltblown fibers, it is noted that the reference teaches that the meltblown layers 128 and 148 may have a basis weight from about 7 gsm to about 20 gsm, encompassing the claimed values. (Refer to Col. 5, lines 52-53) It is noted herein

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that is the Examiner's interpretation that the basis values disclosed by the reference refer to the the combined layers 128 and 148. This is consistent with the references disclosure of information. (Refer to Table 3 that provides values for combined layers of the same material).

8. Claims 9, 11, 15, 17-20, 42, 49, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKOOG et al. (US 6,177,370 B1) and GARNIER et al. (US 6,861,380 B2).

SKOOG et al. is silent to having a fiber furnish and the use of un-creped through-air dried process.

GARNIER et al. disclose a tissue product containing a multi-layered paper web that has at least one layer formed from a blend of pulp fibers and synthetic fibers. The reference teaches that by containing at least one layer of synthetic and pulp fibers, it has been discovered that lint and slough of a tissue product formed can be substantially reduced. The synthetic fibers may have a denier of from about 0.5 to about 10. (Abstract; Col. 5, lines 7-9; Col. 6, lines 18-34) The reference teaches the use of pulp fibers such as softwood fibers. (Col. 4, lines 55-56) And teaches the use of polymers such as polyvinyl acetate and acrylic resins, among others, to form the synthetic fibers. (Col. 5, lines 6-15) The synthetic fibers typically constitute from about 0.1% to about 25% of the dry weight of fibrous material synthetic fibers of a given layer and from about 0.1% to about 20% of the dry weight of the entire web. (Col. 6, lines 65 through Col. 7, lines 1-8) The reference shows in Fig. 5 a single ply tissue product 200 with three layers 212, 214 and 216. The outer layers 212 and/or 216 contain a blend of about 95% hardwood fibers and about 5% synthetic fibers. The inner layer 214 includes about 100% softwood fibers. (Col. 7, lines 29-45) The reference teaches the use of de-bonders such as silicone compounds. (Col. 10, lines 55 through Col. 11, lines 1-2; Col. 13, lines 24-25) The reference teaches using

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wet-pressing, through-air-drying, un-creped through air-drying as some of the methods to process the web. (Col. 11, lines 23-32)

Since both references are directed to materials including pulp and synthetic fibers, the purpose disclosed by GARNIER et al. would have been recognized in the pertinent art of SKOOG et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structure of SKOOG et al. and provide with the fiber furnish taught by SKOOG et al. with the motivation of producing a material with reduced lint and slough as disclosed by GARNIER et al. (Refer to Col. 6, lines 17-34).

9. Claims 24, 30, 31, 66, 68 and 71-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKOOG et al. and GARNIER et al. as applied above, and further in view of GEORGER et al. (US 5,350,624).

SKOOG et al. and GARNIER et al. are silent to the use of their structures as wet wipes.

GEORGER et al. disclose an abrasion resistant fibrous nonwoven structure composed of (1) a matrix of meltblown fibers having a first exterior surface, a second exterior surface, and an interior portion; and (2) at least one other fibrous material integrated into the meltblown fiber matrix so that the concentration of meltblown fibers adjacent each exterior surface of the nonwoven structure is at least about 60 percent, by weight, and the concentration of meltblown fibers in the interior portion is less than about 40% by weight. The nonwoven structure may be used as a moist wipe. (Abstract; Col. 5, line 63 through Col. 6, lines 1-5) The reference teaches the use of pulp. (Col. 4, line 44) In another aspect disclosed by GEORGER et al. there is

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provided an abrasion resistant, low lint, high pulp content fibrous nonwoven structure composed of less than about 35 percent meltblown fibers. (Col. 5, lines 12-15)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structures of SKOOG et al. and GARNIER et al. and provide it with a liquid solution with the motivation of producing a moist wipe with the aimed properties of abrasion resistance, high pulp content fibrous structure as disclosed by GEORGER et al. (Col. 5, line 63 through Col. 6, lines 1-5)

10. Claims 25 rejected under 35 U.S.C. 103(a) as being unpatentable over SKOOG et al. (US 6,177,370 B1) as applied above, and further in view of LANGE et al. (US 2002/0127937 A1)

LANGE et al. discloses a wet-wipe comprising a non-woven composite elastic material comprising a nonwoven elastic layer; and a non-woven gatherable layer. (Abstract)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structure of SKOOG et al. and provide with an elastic layer with the motivation of producing wipes with a softer more cloth like feel as disclosed by LANGE et al. (Abstract)

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over SKOOG et al. and LANGE as applied above, and further in view of GEORGER et al. (US 5,350,624).

GEORGER et al. teaches a nonwoven structure that may be used as a moist wipe. (Abstract; Col. 5, line 63 through Col. 6, lines 1-5) The reference teaches the use of pulp. (Col. 4, line 44) In another aspect disclosed by GEORGER et al. there is provided an abrasion resistant, low lint, high pulp content fibrous nonwoven structure composed of less than about 35 percent meltblown fibers. (Col. 5, lines 12-15)

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structures of SKOOG et al. and LANGE et al. and provide it with a liquid solution with the motivation of producing a moist wipe with the aimed properties of abrasion resistance, high pulp content fibrous structure as disclosed by GEORGER et al. (Col. 5, line 63 through Col. 6, lines 1-5)

12. Claims 77-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKOOG et al., GARNIER et al. and GEORGER et al. (US 5,350,624) as applied above and further in view of LANGE et al. (US 6,946,413 B2).

LANGE et al. discloses a wet-wipe comprising a non-woven composite elastic material comprising a nonwoven elastic layer; and a non-woven gatherable layer. (Abstract)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the structure of SKOOG et al. and provide with an elastic layer with the motivation of producing wipes with a softer more cloth like feel as disclosed by LANGE et al. (Abstract)

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO 99/13860 cited by Applicants in IDS teaches the use of silicone copolyol sulfosuccinate as a lotion in a disposable wiping article.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Norca L. Torres-Velazquez
Primary Examiner
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September 27, 2005